

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIM ROGER CRAWFORD,

Petitioner,

No. CIV S-03-1149 LKK KJM P

vs.

BEN CURRY, et al.,

Respondents.

ORDER

Petitioner has requested the appointment of counsel. There currently exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not find that the interests of justice would be served by the appointment of counsel. Petitioner’s request will be denied.

Petitioner also seeks permission to proceed in forma pauperis on appeal. Rule 24 of the Federal Rules of Appellate Procedure provides as follows:

a party who has been permitted to proceed in an action in the district court in forma pauperis . . . may proceed on appeal in forma pauperis without further authorization unless . . . the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise not entitled so to proceed

1 Fed. R. App. P. 24. Petitioner was granted leave to proceed in forma pauperis in this action on
2 June 13, 2003. Since the district court judge assigned to this case has not certified that
3 petitioner's appeal is not taken in good faith or otherwise found that petitioner is not entitled to
4 proceed on appeal in forma pauperis, petitioner's motion for leave to proceed in forma pauperis
5 on appeal will be denied as unnecessary.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Petitioner's October 29, 2007 request for appointment of counsel is denied;
8 and
9 2. Petitioner's October 29, 2007 motion to proceed in forma pauperis on appeal is
10 denied as unnecessary.

11 DATED: November 6, 2007.


U.S. MAGISTRATE JUDGE

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